IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. 14604-M of 2007
Date of decision: 12.7.2007

Nirmala Devi

...Petitioner

Versus

State of Haryana

...Respondent

Present : Mr. Ashit Malik, Advocate
for the petitioner

Mr. Narinder Sura, AAG, Haryana
for the State

Mr. Y.P. Malik, Advocate,
for the complainant

S.S.SARON, J. (ORAL)

Heard counsel for the parties.

The FIR in the case has been registered on the statement of complainant Raghbir Singh, father of the deceased Smt. Sumitra Devi who died on 3.12.2006. The petitioner is the brother's wife of the husband (Jethani) of deceased Sumitra Devi. The allegations in the FIR are that one day mother in law of the deceased, her husband's brother (Jeth) and her husband brother's wife (Jethani) had badly beaten her and stated that she had married a D.P., (teacher in Physical Education) and hence she should have brought a Maruti Car. The daughter of the complainant telephoned the complainant and when the complainant talked to his son-in-law, he asked him to pay Rs. 1,00,000/- and that he himself shall purchase the Maruti Car. Then on 13.11.2005 the complainant arranged Rs. 50,000/- and gave it to his son-in-law Dharambir @ Sanjay.

Learned counsel for the complainant has laid considerable emphasis on the fact that it has falsely been stated by the petitioner that she is residing at Bhiwani. He has referred to the affidavit of the complainant in which it has been deposed that the petitioner resides at village Diwana and had gone to Bhiwani only about five days earlier for her delivery which took place on 26.10.2006. Thereafter she returned to village Diwana.

Learned counsel for the State on instructions from Mahavir Singh, ASI, PS Chandni Bagh, Panipat, District Panipat has submitted that the investigation carried out, it has been found that the petitioner is residing at Bhiwani. Besides it is submitted that the petitioner has joined the investigation and her custody is not required for the purposes of investigation. The husband of the deceased i.e. Dharambir @ Sanjay who is stated to have poured kerosene oil on the deceased Sumitra Devi with the intention to put her on fire is in custody. The daughter of the complainant i.e. Sumitra Devi died by consuming poison which it is stated was administered to her. The incident in the present case took place on 3.12.2006 and therefore the allegation against the petitioner related to a period earlier to 13.11.2005 when the complainant is stated to have given Rs. 50,000/- to his son-in-law Dharambir @ Sanjay.

Keeping in view the fact that the custody of the petitioner is not required for the further investigation and also the fact that prima facie it is shown that she was residing at Bhiwani and not in village Diwana. The husband of the petitioner is also working in the General Hospital at Bhiwani. Therefore, it would be just and expedient to continue the interim bail granted on 8.3.2007 for a period of one month so as to enable the petitioner to seek regular bail.

Accordingly, the Criminal Misc. petition is disposed with the directions that the interim bail granted by this court on 8.3.2007 shall continue for a period of one month from the date of preparation of certified copy so as to enable the petitioner to apply for regular bail. In case a petition for regular bail is filed by the petitioner, the same shall be considered and disposed of by the concerned court within one month.

(S.S. SARON)
JUDGE

12.7.2007
reena